

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MATTERPORT, INC.,

Plaintiff,

v.

GEOCV, INC.,

Defendant.

C.A. No. 18-1569-RGA

STIPULATION TO NARROW INFRINGEMENT ISSUES FOR TRIAL

WHEREAS, Plaintiff Matterport, Inc. (“Matterport”) has asserted in this patent infringement action that certain products and services offered for sale, sold, made, and/or used in the United States by Defendant GeoCV, Inc. (“GeoCV”) infringe certain claims of U.S. Patent Nos. 8,879,828; 8,861,840; 9,165,410; 9,171,405; 9,953,111; and 10,030,979 (“Patents-in-Suit”); and

WHEREAS, GeoCV has denied infringement of any valid, enforceable claim of the Patents-in-Suit; and

WHEREAS, the Court conducted a *Markman* hearing on January 2, 2020, and issued its Memorandum Order (D.I. 52) on January 3, 2020 and its Order (D.I. 54) on January 9, 2020, regarding claim construction; and

WHEREAS, the parties wish to streamline the presentation of evidence of infringement at trial while preserving all of GeoCV’s rights to appeal from the Court’s Memorandum Opinion and Order on claim construction and without waiver of any other defense asserted by GeoCV;

IT IS HEREBY STIPULATED by the parties, subject to the approval of the Court, as follows:

(1) For purposes of this stipulation, “Accused GeoCV Product(s)” means any GeoCV product for capturing, processing, and displaying 3D and 360° virtual tours, including but not limited to GeoCV’s Virtual Open House and Virtual Home Tour solutions and all related hardware and software (including without limitation GeoCV Player, GeoCV Scanner, GeoCV Scanner App, GeoCV Cloud, GeoCV Tour Editor, and GeoCV Viewer).

(2) In light of the Court’s Memorandum Opinion and Order on Claim Construction, and solely for purposes of simplifying and streamlining the issues in this case for trial, GeoCV agrees not to contest infringement by the Accused GeoCV Products of the claims listed below, and Matterport need not proffer any evidence to establish infringement of the listed claims other than this Stipulation, and GeoCV will not assert that Matterport has failed to meet its burden of proof in that regard:

- a. Claims 1, 2, 8, 14, 19, and 22 of U.S. Patent No. 8,861,840;
- b. Claims 1, 2, 12, 16, 17, 20-24, 26, 33-36, 41, and 44 of U.S. Patent No. 8,879,828; and
- c. Claims 1-3, 9, 12-14, 18, and 21 of U.S. Patent No. 9,171,405.

(3) The foregoing is without prejudice to GeoCV’s right to appeal the Court’s Memorandum Opinion and Order on Claim Construction, and shall not affect GeoCV’s ability to contest the validity of any claims of the Patents-in-Suit, or to pursue any other defense to the asserted claims listed in paragraph (2)(a -c) above other than non-infringement.

[SIGNATURES ON FOLLOWING PAGE]

DATED: June 26, 2020

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Lucinda C. Cucuzzella

Jack B. Blumenfeld (#1014)
Lucinda C. Cucuzzella (#3491)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@mnat.com
ccucuzzella@mnat.com

OF COUNSEL:

Matthew Poppe
RIMON LAW
800 Oak Grove Avenue, Suite 250
Menlo Park, CA 94025
(650) 461-4433

Michael F. Heafey
LAW OFFICES OF MICHAEL F. HEAFEY
1325 Howard Avenue, Suite 160
Burlingame, CA 94010
(650) 346-4161

Attorneys for Plaintiff

YOUNG CONAWAY STARGATT & TAYLOR LLP

/s/ Karen L. Pascale

Karen L. Pascale (#2903)
Robert M. Vrana (#5666)
Rodney Square
1000 North King Street
Wilmington, DE 19801
(302) 571-6600
kpascale@ycst.com
rvrana@ycst.com

OF COUNSEL:

Casey A. Kniser
ZUBER LAWLER & DEL DUCA LLP
135 S. LaSalle Street, Suite 4250
Chicago, IL 60603, USA
Telephone: (312) 346-1100
Email: ckniser@zuberlawler.com

Attorneys for Defendant

SO ORDERED this 29 day of June, 2020.

/s/ Richard G. Andrews
UNITED STATES DISTRICT JUDGE